

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
In re:

Chapter 7

MICHAEL P. D'ALESSIO, et al.,

Case No. 18-22552 (RDD)

(Jointly Administered)

Debtors.  
-----X

**AFFIDAVIT OF RICHARD B. MALTZ ON BEHALF OF  
MALTZ AUCTIONS, INC.**

STATE OF NEW YORK                    )  
  ) ss:  
COUNTY OF SUFFOLK                )

RICHARD B. MALTZ, being duly sworn, deposes and says:

1. I am Chief Executive Officer of Maltz Auctions, Inc. d/b/a Maltz Auctions ("Firm"), a New York Corporation with offices at 39 Windsor Place, Central Islip, New York 11722.

2. This affidavit is submitted in support of the Application of Marianne T. O'Toole, as Chapter 7 Trustee of the estate of 17 Circle RD-MBI LLC ("17 Circle Debtor"), to employ the Firm as her auctioneer to market and sell the 17 Circle Debtor's real property located at 17 Circle Road, Scarsdale, New York 10583 ("17 Circle Property"). The Firm is experienced and qualified to represent the Trustee in connection with her administration of the 17 Circle Debtor's estate and the sale of the 17 Circle Property.

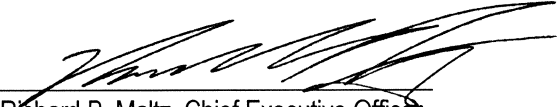
3. The Firm is a full service real estate brokerage, auction, appraisal, consulting, liquidation and management firm whose senior management team has been engaged in these fields for in excess of 70 combined years, with extensive experience selling real property similar to the 17 Circle Property. Richard B. Maltz is recognized by the Department of State of New York as a licensed real estate broker and by the New York City Department of Consumer Affairs as a licensed auctioneer. Richard B. Maltz is recognized by the State of New York Unified Court System Office of Court Administration Services appointment processing unit as eligible to serve as auctioneer, real estate broker, receiver and appraiser. The Firm is a bonded in the Southern and Eastern Districts of New York and the requisite bond is on file with the Office of the United States Trustee for the Southern District of New York.

4. Neither I, the Firm, nor any associate or employee thereof, insofar as I have been able to ascertain, holds or represents any interest adverse to that of the 17 Circle Debtor's estate and I believe the Firm to be a "disinterested person" within the meaning of section 101 (14) of the Bankruptcy Code.

5. In preparing this Affidavit of Disinterest, I used a set of procedures developed by the Firm to ensure compliance with the Bankruptcy Code and the Bankruptcy Rules regarding the retention of professionals by a trustee or debtor under the Bankruptcy Code. Pursuant to such procedures, I conducted a search of the Firm's client database to determine whether the Firm had any relationships with the 17 Circle Debtor or its member as disclosed in the bankruptcy petition. I also conducted a search to determine whether the Firm is presently engaged by or on behalf of any known creditors or insiders of the 17 Circle Debtor. The Firm found no matches and the Firm's search has not identified any parties involved or any parties that might pose a potential basis for a conflict.

6. I have advised the Trustee of the Firm's willingness to serve as her auctioneer and to accept compensation for the sale of the 17 Circle Property in accordance with the rates established under Local Bankruptcy Rule 6005-1(b)(1), plus reimbursement of expenses in accordance with the standards established under Local Bankruptcy Rule 6005-1(b)(2), or such other basis as the Court may approve upon separate application consistent with the provisions of the Bankruptcy Code, the Bankruptcy Rules and Local Bankruptcy Rule 6005-1(f).

7. To the best of my knowledge, information and belief, the Firm has not entered into and will not enter into any agreement prohibited by section 155 of title 18 of the United States Code or Federal Rule of Bankruptcy Procedure 2016 (b).



Richard B. Maltz, Chief Executive Officer  
Maltz Auctions, Inc.



Sworn to before me this 4<sup>th</sup> day of October, 2018

Debra A. Donovan  
Notary Public, State of New York  
No. 01DO6003880  
Qualified in Suffolk County  
Commission Expires March 9, 2022